

**FILED**

OCT 01 2024

CLERK U.S. DISTRICT COURT  
WEST DIST OF PENNSYLVANIA

September 24, 2024

Respironics Medical Advancement Program  
P.O. Box 26288  
Richmond, VA 23260

Joseph F. Weis, Jr. U.S. Courthouse, ✓  
700 Grant Street  
Pittsburgh, PA 15219

**Plaintiff's Objection in the matter of:**

*In re: Philips Recalled CPAP, BI-LEVEL PAP, and Mechanical Ventilator  
Products Litigation, No. 21-mc-1230, MDL 3014, UNITED STATES DISTRICT  
COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA*

I am Peter R. Seamon, a resident of Tucson, Arizona, and I am a Plaintiff in the above captioned matter. I am pro se, and do not intend to Appear at the Final Fairness Hearing unless accommodation to attend electronically is available. I suffered lung injury and illness as a result of breathing in the contaminants that because the subject of this recall.

I hereby submit Objections to the proposed settlement as the recall was inadequate and failed to address significant ongoing dangers to the consumer.

I pray the Court review the following information that should have been considered, and upon consideration of this information, find that the recall and subsequent settlement is inadequate and failed to address significant ongoing dangers to the consumer.

The specific unit I utilized that was subject to a partial recall is the Philips Respironics DreamStation CPAP device (see Images herein).

I will get directly to the evidence that the recall was inadequate. I am providing images herein to illustrate the unaddressed and ongoing danger to the users of these devices and the continuing risk of inhaling the materials lingering in contaminated units. This was discovered upon Phillips sending this plaintiff a replacement component of the DreamStation CPAP unit which housed the fan and the carcinogenic insulating material.

As illustrated in the photos, the Philips Respironics DreamStation CPAP device is made up of several components. Straight to the point, the recall is effective only if the machine was not already contaminated. This plaintiff's unit was visibly contaminated.

Phillips failed to address and left in possession of the affected consumers the second component in the DreamMachine CPAP device which housed houses the water container.

There is a removable and replaceable component that the recall did not address. That female component accepts the male air outlet (my definition, see images) from the main portion which contained the fan and carcinogenic insulating material that was removed as the goal of the recall. However, the removable and replaceable component which I have labeled as "contaminated part B" is

configured such that any carcinogenic insulation that was shed from the recalled portion can become temporarily trapped in that piece which may at any time become released and breathed into the lungs as it may become dislodged.

Further, as that component provides an offset from the male air outlet to the port where air is blown over the water tank, its design provides a place for the carcinogenic particles to become caught and remain until jostled loose again.

That part cannot be opened by the layman or consumer for decontamination or cleaning. It is plainly removable, however. That part unquestionably should have been a part of the recall. By leaving that part unaddressed, the Defendant has left plaintiff/consumers whose machines may have already been contaminated subject to ongoing exposure the same danger of inhaling the remaining carcinogenic particles.

**Prayer for Relief:**

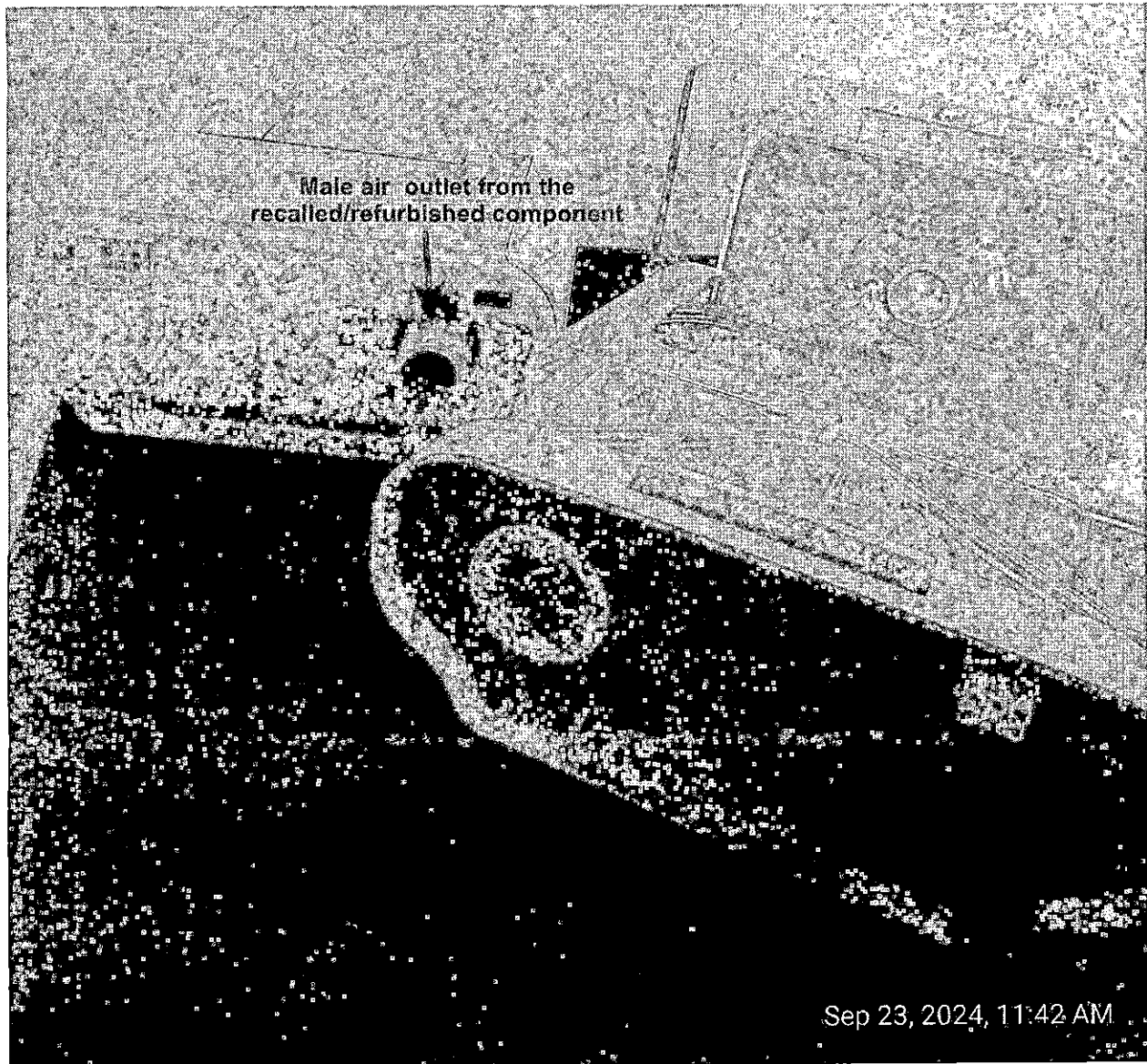
I implore the Court address this issue and make an informed determination on the obvious failure and ongoing danger to the consumer if this matter is left unaddressed.

I find it unimaginable that the learned people involved in examining this issue did not see this obvious danger, and ask the Court to make the necessary inquiries to determine if there is bad faith driven by monetary considerations at the

center of this failure to address those contaminated components, and issue the appropriate findings and sanctions. The public Must Be Warned!

**ILLUSTRATIONS (Four):**

1): Refurbished part connects to contaminated water tank evaporator.

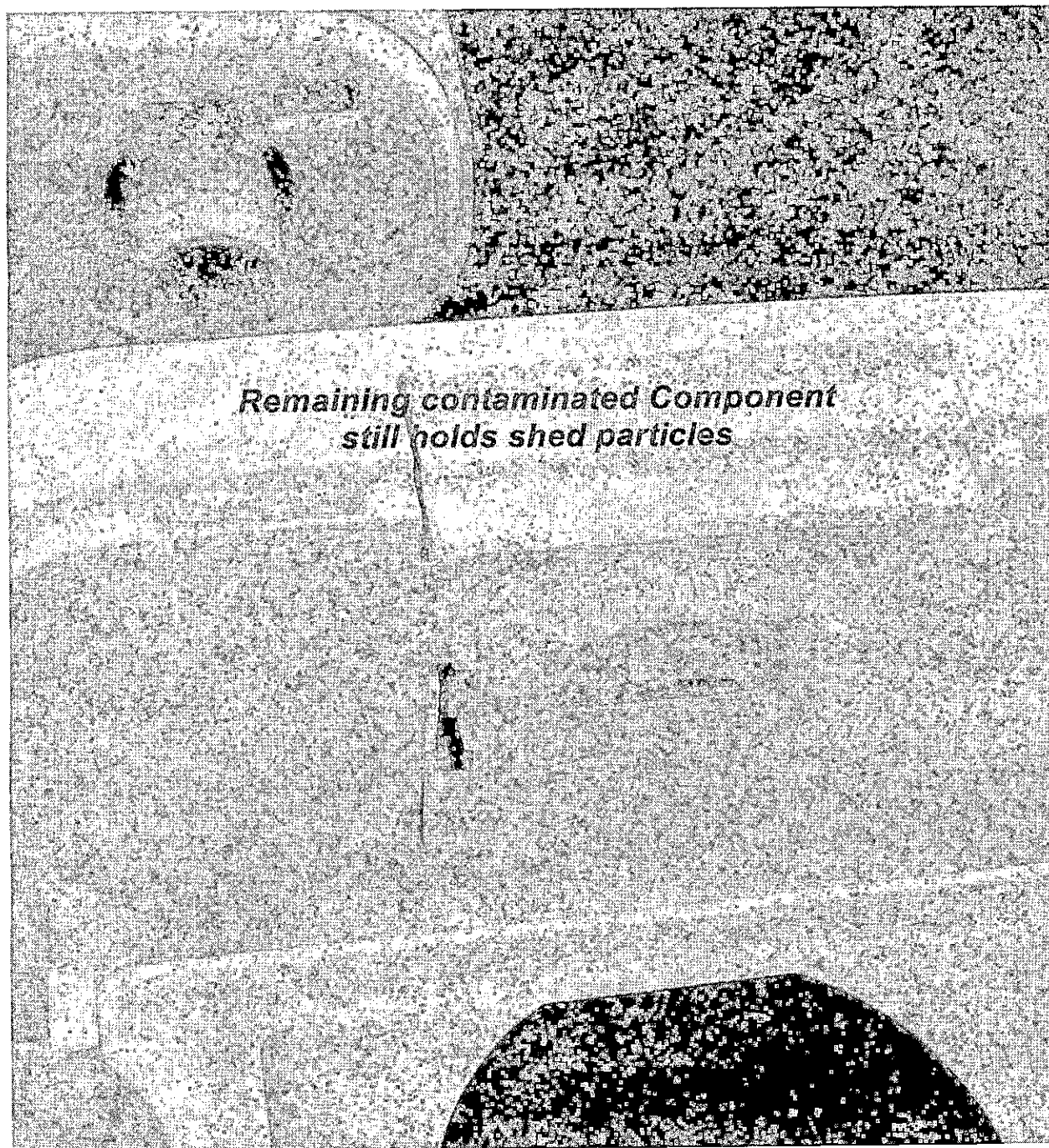


- 2): Air intake, this is a removeable portion that IS contaminated and is not addressed by the recall:





3): View from inside water heater evaporation component; replaceable component is contaminated and was not part of recall. Danger to user remains.



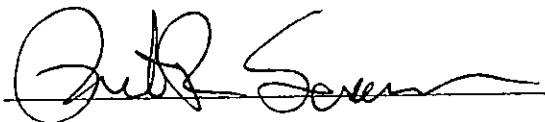
- 4): This contaminated part **MUST** be replaced as it traps carcinogen and is not possible to decontaminate!



End of Images;

For the foregoing reasons, this Court should reject the settlement and order investigation to address the contaminated components left unaddressed by the recall as they must certainly be recognized as a clear, present and ongoing danger to the public.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter R. Seamon", written over a horizontal line.

September 24, 2024

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